

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

John Doe<sup>1</sup>,

Plaintiff,

v.

Civil Action No. 1:21-cv-\_\_\_\_\_

Town of Lisbon,

Defendant.

**DEFENDANT'S NOTICE OF REMOVAL**  
**AND DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§1441 and 1446, Defendant Town of Lisbon ("Defendant"), by its attorneys, Jackson Lewis P.C. and Mitchell Municipal Group, P.A., hereby removes this action from the Superior Court of the State of New Hampshire, Grafton County, to the United States District Court for the District of New Hampshire.

In support of this Notice of Removal, Defendant states as follows:

1. By Complaint filed on or about September 2, 2021, Plaintiff instituted claims for deprivation of due process under the Fifth and Fourteenth Amendments to the U.S. Constitution, the New Hampshire Constitution, 42 U.S.C. § 1983, Title 42 of the U.S. Code generally, and defamation against Defendant in the Grafton County Superior Court. In accordance with 28 U.S.C. § 1446(a), true and correct copies of the Summons and Complaint are attached hereto as Exhibit 1 and 2, certified copies of which will be forwarded upon receipt of the state court record from the Grafton County Superior Court.

---

<sup>1</sup> John Doe is a pseudonym.

2. Pursuant to 28 U.S.C. § 1446(a), this notice of removal is timely filed within thirty (30) days of October 19, 2021, the date on which service of process was made on Defendant.

3. Defendant has not served any answer or responsive pleading to the Complaint, nor made any appearance or argument before the state court.

4. This Court has original jurisdiction over this action by virtue of federal question jurisdiction pursuant to 28 U.S.C. §1331. Specifically, Plaintiff is alleging violations of due process under the 5<sup>th</sup> Amendment to the United States Constitution, the 14<sup>th</sup> Amendment to the United States Constitution, 42 U.S.C. §1983, and Title 42 of the U.S. Code generally as well as various claims pursuant to state law.

5. Defendant submits this Notice without waiving any defenses to the claims asserted by Plaintiff or conceding that Plaintiff has pled claims upon which relief can be granted.

6. As this action could have been commenced in this Court, removal is proper. 28 U.S.C. §1441(a). Furthermore, this Court may exercise supplemental jurisdiction over the Plaintiff's state law claims. See 28 U.S.C. §1367(a).

Respectfully submitted,  
TOWN OF LISBON,

By its attorneys,  
JACKSON LEWIS P.C.

Dated: November 15, 2021

By: /s/ Debra Weiss Ford  
Debra Weiss Ford, NHBA #2687  
Samuel Martin, NHBA #272195  
Jackson Lewis P.C.  
100 International Drive, Suite 363  
Portsmouth, New Hampshire 03801  
603-559-2700  
Debra.ford@jacksonlewis.com  
[Samuel.martin@jacksonlewis.com](mailto:Samuel.martin@jacksonlewis.com)

AND

MITCHELL MUNICIPAL GROUP, P.A.,

Dated: November 15, 2021

By: /s/ Naomi N. Butterfield  
Naomi N. Butterfield, NH Bar # 18079  
25 Beacon St E Ste 2  
Laconia, NH 03246  
(603) 524-3885  
naomi@mittchellmunigroup.com

**CERTIFICATE OF SERVICE**

I hereby certify that on this date I provided a true and exact copy of this pleading to Christopher Meier, Plaintiff's counsel of record, via electronic mail and via the Court's ECF system.

Dated: November 15, 2021

/s/ Debra Weiss Ford  
Debra Weiss Ford